Appendix A

Government of the Northwest Territories Preliminary Response to the Standing Committee on Government Operations Review of the Official Languages Act:

Reality Check: Securing a Future for the Official Languages of the Northwest Territories

Recommendations

The Terms of Reference allow the Committee to make recommendations for amendment to the Act that it considers desirable. Based on its findings and conclusions the Standing Committee on Government Operations makes the following recommendations to create

- a new "*Official Languages Services Act*" with a focus on service delivery, and
- a new Aboriginal Languages Protection Regime that focuses on protection and revitalization of Aboriginal languages.

The Committee is aware of the breadth of its recommendations and that their meaningful implementation will take some time. As a first step thorough strategic planning must take place, including an analysis of the fiscal requirements for the implementation of these plans.

The Committee did not see its task as developing strategic or implementation plans on behalf of the Government. Instead we have provided and a foundation for what must be addressed in those plans. We recognize that the Government also needs to address challenges related to human and fiscal capacity and resources during this planning process. The Committee has left room in its recommendations allowing the Government to be diligent on this matter.

The Committee recognizes that interim measures will be necessary to address the most urgent needs of the Aboriginal language communities and the most obvious short-comings of the existing *Official Languages Act.* A section, entitled "Transitional Provisions", gives recommendations on what interim measures should be taken immediately.

Appendix A

Provisions to be considered for an *Official Languages Services Act*

SCOGO RECOMMENDATIONS	GNWT RESPONSES
1. Rewrite the OLA to get away from the federal model of legislation that does not match the demographic, socio-geographic, and political realities of the NWT	A Legislative Proposal (LP) will be developed where changes are identified as necessary to support the needs, priorities and circumstances of each official language. As with all LPs there will be a consultation process prior to drafting, then the LP will be presented to Committee for review and will move forward in the usual way. This could take 2 years to complete.
2. Lobby the federal government to allow the GNWT to create its own and more appropriate Official Languages legislation/regime	The Government of the Northwest Territories (GNWT) agrees that the federal government plays an important role in supporting languages. The GNWT will continue to work with the federal government and invite them to participate in a languages symposium that will be coordinated by the GNWT. The GNWT will keep the federal government informed of plans that emerge through the development of an Official Languages Strategy and implementation plans.
3. Create a service orientated Official Languages regime for the GNWT and commit to a regime aimed at saving the Aboriginal languages of the NWT	In this context the GNWT understands "saving" to mean the revitalization, enhancement, maintenance and modernization of aboriginal languages. The GNWT will develop strategies and initiatives that support each official language based on their needs, priorities and circumstances.
4. Acknowledge the different situations and needs of the Aboriginal languages and French in terms of legal recognition and protection by Canada, speaker base and available resources (financial, human, linguistic and capacity)	Agreed. Each official language in the NWT has different needs and priorities and face different circumstances. These differences will be accommodated to the best degree possible.

5. Recognize Aboriginal languages and French as Official Languages of the NWT including rights granted in reference to legal proceedings and proceedings of the Legislative Assembly	Various rights are stated in the Official Languages Act and those rights will be clarified through ongoing review of the OLA. Amendments to the OLA will be proposed where necessary.
6. Government retains the obligation to provide services and communication with the public in Official Languages with the following qualifiers:	
6.1. Determine service delivery priorities through consultations with the different language communities while recognizing the Government's capacity and resource limitations	This will be done in consultation with language groups and will be part of the GNWT strategic plan for the public service
6.2. Address Government capacity issues through comprehensive long-term planning (language service plans for each language) while acknowledging language community priorities	This will be part of the GNWT strategic plan for the public service
6.3. Create designated areas for Aboriginal languages in the communities where Aboriginal languages are indigenous (see Nunavut OLA, s.3 (3)) and add further provisions similar to the wording in the *Active Offer Policy* of the Francophone Affairs Secretariat in Manitoba, i.e.	The GNWT will consult with Aboriginal language groups to determine designation of language regions
A region is recognized as a designated area for [name of the language] by the Government of the Northwest Territories due to the concentration of Aboriginal Language speakers or the validity of the region's Aboriginal community, as demonstrated by the use of the Aboriginal Language in local schools, cultural organization, community groups, etc.	
Apart from acknowledging regions where Aboriginal languages are indigenous this provides for recognizing facts and trends of our modern NWT society including mobility and urbanization.	
6.4. Create designated areas for French, i.e., *"A region is recognized ... by the Government ... due to the concentration of Francophones or the validity of the region's Francophone community, as demonstrated by the use of French in local schools, cultural organization, community groups, etc."*[1]	The GNWT will consult with the Francophone community to determine designation of areas for French.

[1] Definition from the Active Offer Policy, Francophone Affairs Secretariat (Manitoba)

7. Establish an Official Languages Secretariat (**OLS**) and place it with the Department of the Executive as a central agency that has the authority to implement the Official Languages Services Act government wide. Such an organizational structure could improve accountability and oversight of the implementation of the *"Official Languages Services Act"* as well as increase focus on language community consultations and relationship building. The reporting relationship of the Official Languages Secretariat should be directly to the Deputy Minister	The GNWT will examine organizational structural and oversight models that support the vision, goals and objectives that are identified through the development of an Official Languages Strategy and implementation plans.
8. The Government's Official Languages Secretariat shall be sufficiently resourced, supported and empowered to fulfill the following mandate by:	In examining organizational structural and oversight models, the GNWT will identify and seek the required resources, supports and mandates needed to achieve the vision, goals and objectives of the Official Languages Strategy and implementation plans.
8.1. Developing government services in the Aboriginal languages and French. Determine service delivery priorities through consultations with the different language communities while recognizing the Government's capacity and resource limitations (see "Minister Responsible" for details regarding this plan and the reporting on the progress of the plan)	
8.2. Addressing Government capacity issues through comprehensive long-term planning (language service plans for each language) while recognizing language community priorities	
8.3. Addressing matters of Aboriginal languages services in general	
8.4. Addressing matters of French language services in general	
8.5. Addressing complaints from the public about Aboriginal and French language services	
8.6. Facilitating, guiding and monitoring departments and agencies on their Aboriginal languages and French service activities	
8.7. Liaising with Aboriginal language communities, organizations and their political bodies, and Francophone community organizations	

8.8. Coordination of agreements and funding from Canada	
8.9. Coordination of funding and other supports to the Francophone language communities	
9. Acknowledge that in order to grant equal rights to the Aboriginal languages a comprehensive language protection regime addressing protection, revitalization and modernization of the Aboriginal languages has to be impiemented first	Consultation will establish language communities' priorities for protection, revitalization and modernization which will form the basis of implementation plans.

Provisions to be considered for an Aboriginal Languages Protection Regime

10. Acknowledge continuous Aboriginal Language loss, endangerment resulting in a need for protection and revitalization	Agreed. The GNWT acknowledges that it has a role to play in supporting the health of Aboriginal languages.
11. Government commits to an **Aboriginal Languages Protection Regime** through:	
11.1. Acknowledging the different situations and needs between the Aboriginal languages of the NWT in terms of speaker base/vitality, capacity, endangerment, need for protection, maintenance, revitalization and modernization	Agreed
11.2. A realistic long-term strategic revitalization plan (10 to 20 year range) must be developed in consultation with each language community highlighting priorities to address needs and actions for protection, revitalization, maintenance and modernization for each Aboriginal language. This plan must include measures, monitoring and evaluation criteria. Measures must distinguish between government and language communities responsibilities	Agreed
11.3. Annual action plans for each language that relate to the long-term strategic plan outlining responsibilities and activities by the Government, its agencies and the language communities including timelines and measures for progress towards established goals and objectives	Agreed

11.4. The establishment of an **Aboriginal Languages Authority** (ALA)[2] in charge of the development and implementation of this plan, being the liaison to the language communities with sufficient resources and powers to fulfill this mandate and to provide ongoing support and capacity building to the Aboriginal languages communities and their organizations	The GNWT will examine different oversight and advisory models once the Official Languages Strategic Plan and implementation plans are finalized
12. Include statutory requirements to have a Committee of the Legislative Assembly review the Annual Report on Official Language Services and Aboriginal Language Protection and report back within 180 days	The Cabinet representative on the Board of Management will bring the SCOGO recommendation forward for consideration by the Board of Management.

Aboriginal Languages Authority and Aboriginal Languages Advisory Committee

13. The **Aboriginal Languages Authority** is responsible for the development and implementation of a long-term strategic revitalization plan, annual action plans, and being the liaison to the language communities with sufficient resources and powers to fulfill this mandate and to provide ongoing support and capacity building to the Aboriginal languages communities and their organizations	The GNWT will examine different models to provide structural supports and oversight needed to fulfill the vision, goals and objectives identified in an Official Languages Strategy and implementation plans.
13.1. The **Aboriginal Languages Authority** is obligated to consult with the language communities (set minimum requirements for consultation)	
13.2. The **Aboriginal Languages Authority** is responsible for stable and sustainable funding arrangements with language communities	
13.3. The **Aboriginal Languages Authority** must have a close working relationship and take advice from the **Aboriginal Languages Advisory Committee** (see below)	

[2] Examples: the Inuit Language Authority established under the *Inuit Language Protection Act* of Nunavut or the Maori Language Commission established under the *Maori Language Act* of New Zealand

13.4. The Aboriginal Language Authority of the GNWT needs to liaise with the **Aboriginal Language Centre** (see below) to ensure a continuous work relationship is established	
14. The Aboriginal Languages Authority would work with an advisory committee represented by delegates of the Aboriginal Language communities. The establishment of this **Aboriginal Languages Advisory Committee** in combination with prescribed consultation requirements would ensure concerns of the languages communities are being heard and their advice being taken under consideration	The GNWT will examine organizational structural and advisory models once the Official Languages Strategic Plan and implementation plans are finalized
14.1. **The Aboriginal Language Advisory Committee** would replace the existing Official Languages Board and the Aboriginal Languages Revitalization Board	
14.2. Mandate, competencies, meeting and consultation requirements of this working group shall be clearly established in policy	
14.3. The obligations of the **Aboriginal Language Authority** towards this advisory body shall be clearly established in policy	
14.4. The **Aboriginal Languages Advisory Committee** is composed by representatives of all Aboriginal languages	
14.5. The mandate of this advisory body shall be to participate in the development of the long-term strategic revitalization plan and the annual action plans concerning language revitalization	
14.6. This body shall be linking the community needs with the planning and policy activities of the Government in regards to Aboriginal languages revitalization	

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Aboriginal Languages Centre

15. Support and fund an **Aboriginal Language Centre** (ALC) outside of Government[3] tasked with:	The GNWT will examine organization structural and advisory models to support Aboriginal languages once the Official Languages Strategic Plan and implementation plans are finalized
15.1. Providing central resources and supports necessary for language protection, revitalization, maintenance and modernization (for example linguists, community development/capacity building, collaboration with existing programs[4])	
15.2. Functioning as a clearing house for resources developed by language groups and with funding from the GNWT	
15.3. Developing an Aboriginal languages resource website	
15.4. Accelerating the development of Unicode Dene fonts	
15.5. Coordinating the development and offering of Interpreter/Translator training and standards (can be in collaboration with other agencies for example the existing pilot project through the Akaitcho Government)	
15.6. Developing Adult language training and other initiatives to increase the day-to-day use of Aboriginal languages that can be adapted and used by the different language communities	
15.7. Other activities as identified and supported by the Language Communities	
15.8. Maintain an on-going working relationship with the language communities and the **Aboriginal Languages Authority**	
15.9. Providing an annual report to the **Aboriginal Languages Authority**	

[3] Examples: the Yukon Native Language Centre or the Victorian Aboriginal Corporation for Languages (Victoria State, Australia)

7 Examples: The University of Alaska in Fairbanks in conjunction with the Yukon Native Language Centre has established a program leading to the Associate of Applied Science Degree in Native Language Education. Or: The Certificate Program in Aboriginal Language Revitalization of the University of Victoria (BC)

Mandate of the Languages Commissioner devolved

16. The implementation of our recommendations to create an Official Languages Secretariat and to strengthen Government's commitment to service oriented legislation makes the position of the Languages Commissioner no longer necessary[5]. Similar to the set-up of most other Canadian jurisdictions the Official Languages Secretariat, if provided with adequate powers, could address and resolve complaints regarding Government services, while the Aboriginal Language Authority could ensure the progress of the Aboriginal Language protection regime	The GNWT will examine administrative models that would support the vision, goals and objectives that are identified in the development of an Official Languages Strategy and implementation plans
17. If the term of the Languages Commissioner appointed under the exiting *Official Languages Act* has not expired when the new Official Languages Services Regime comes into force, then the Languages Commissioner shall be repositioned in the Official Languages Secretariat to ensure continuity during the transitional period until the Commissioner's term of office has expired	The Cabinet representative on the Board of Management will bring the Committee's recommendation forward for consideration by the Board of Management.

Minister Responsible for Official Languages Services and the Protection of Aboriginal Languages

18. Designate a Minister Responsible for Official Languages Services and the Protection of Aboriginal languages and place the Official Languages Secretariat and the Aboriginal Languages Authority with the Department of the Executive to ensure accountability for the government wide implementation of the Official Languages Services Act and the Aboriginal Languages Protection Regime is in place	The GNWT will examine different oversight and advisory models once the Official Languages Strategic Plan and Implementation Plans are finalized. The meantime the Minister responsible for the Official Languages Act maintain responsibility until such time that decisions are made around potential changes in oversight and advisory models.

[5] The following Canadian jurisdictions have an Official Languages regime but no Languages Commissioner: PEI, NS, QUE, ON, SASK, MAN, AB, YK

19. Make the creation of a government-wide long-term strategic/ implementation plan for Official Languages services and the strategic plan for Aboriginal Language protection a responsibility of the Minister and establish these responsibilities in legislation and policy	The Minister responsible for the Official Languages Act will maintain responsibility until such time that decisions are made around potential changers in oversight and advisory models and Ministerial leads.
20. Make the creation of departmental/institutional Official Languages services implementation plan with annual reporting on measures a responsibility of each Government institution	A comprehensive annual update will be provided on all activities including reporting on measures.
21. Strategic and implementation plans must include financial needs assessments that would allow the Minister to bring budget requests forward during the established business planning cycle	Agreed
22. Make strategic and implementation plans for Official Languages Services and Aboriginal Languages Protection publicly available	Agreed
23. Include annual updates on the implementation of these plans including activities of the Official Language Secretariat, the Aboriginal Languages Authority and government institutions part of the reporting requirements of the Minister's Annual Report on Official Language Services and Aboriginal Language Protection	A comprehensive annual update will be provided on all activities.

Language Communities

24. Affirm relevance of the languages communities for the use, maintenance, revitalization, protection and modernization of their respective languages	Agreed
25. Confirm Government's responsibility to support the language communities in using, maintaining, revitalizing, protecting and modernizing their respective languages	Agreed
26. Confirm Aboriginal Language Communities responsibility to work with their people and political leadership at a community, regional and self-government level to increase daily usage, thus contributing to the recovery and maintenance of Aboriginal languages	Agreed

27. The proposed Aboriginal Languages Centre would provide increased support, development and sharing opportunities avoiding duplication and increasing the capacity, programming and resource development for each language community group. Ideally this would lead to a close and on-going working relationship between community language organizations and the Centre	The GNWT will examine different organizational structural and advisory models once the Official Languages Strategic Plan and implementation plans are finalized.
28. The proposed Aboriginal Languages Advisory Committee would provide opportunities for the communities to provide input in setting Government policy direction	As above
29. The role of the Language Communities would be strengthened through mandatory consultation requirements of the Aboriginal Languages Authority and the **Official Languages Secretariat**	As above

Implementation

30. Make negotiations with Canada on changes to the Northwest Territories Official Languages regime a priority	The GNWT will continue to engage the federal government to seek their support for strategies and plans that meet the needs, priorities and circumstances of the official languages of the NWT.
31. Bring a Legislative Proposal forward during the life of the 16th Legislative Assembly	A Legislative Proposal (LP) will be developed where changes are identified as necessary to support the needs, priorities and circumstances of each official language.
32. Create an implementation plan for the introduction of the proposed Official Languages Services Act and Aboriginal languages protection regimes in the life of the 16th Legislative Assembly (including fiscal, human resources and capacity building needs)	As above
33. Conduct government wide human resources planning for the service delivery model to address Official Languages services obligations of the GNWT	Agreed

34. Use the Corporate Human Resources Strategic Plan currently under development by the Department of Human Resources to determine the GNWT's capacity to deliver services in the Official Languages	Agreed
35. Negotiate funding agreements for Official Languages services and Aboriginal languages protection with Canada	The GNWT will continue to engage the federal government in negotiations to support the official languages of the NWT.
36. Provide Language Communities with adequate support and resources to implement their work plan/language plans on a continuous and developing basis	This will be part of the consultation process with language communities
37. Conduct an education campaign for all GNWT staff on Official Language services and Aboriginal Language protection	Agreed
38. Provide an Official Languages service delivery and communication manual for all staff setting out minimum standards including for an "active offer"	Agreed
39. Extend the services offered at Single Window Service Centres (example: Manitoba)	Models for service delivery options are being examined with the intention that single window service centres will be piloted and evaluated.
40. Future NWT Community Surveys shall include information on mother tongue and home language to allow for improved tracking of language shift in particular for the Aboriginal languages of the NWT. The tracking of language shift every two to three years could be an important indicator to evaluate if the revitalization measures put in place are successful	Agreed
41. Ensure that the NWT Bureau of Statistics works closely with Statistics Canada to include all Aboriginal Official Languages of the Northwest Territories when collecting and reporting language information during the Census	The GNWT will bring this recommendation forward to Statistics Canada.

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Transitional Provisions

42. Improve service delivery in Official Languages	The Government of the Northwest Territories is committed to service delivery improvements. Improvements will be identified through the consultation and ongoing engagement with each language community.
43. Provide increased financial and capacity supports to community language groups including multi-year funding agreements	Specific investment needs will be identified through the consultation and ongoing engagement with language communities. Budget proposals will be submitted to the Legislative Assembly for consideration as well as to the Government of Canada through the Canada-Northwest Territories Cooperation Agreement on Official Languages.
44. Improve communication and consultation with the community language groups and their organization	This will be a component of the ongoing consultation and engagement process.
45. Conduct Aboriginal language community consultations to prepare for the establishment of the Aboriginal Language Centre in the fiscal year 2010/2011	Consultations will take place with the Aboriginal language communities.
46. In the interim make the following amendments to the existing *Official Languages Act*	The Cabinet representative on the Board of Management will bring the Committee's recommendations concerning the Language Commissioner forward for the Board of Management's consideration
46.1 Languages Commissioner	
46.1.1 Include NWT residency as statutory requirement	
46.1.2 Include minimum requirements for community outreach to promote Official Language rights and the Act itself	
46.1.3 Review whether the existing *Official Languages Act* sections on investigations by the Commissioner's on his/her own initiative, need to be clarified or strengthened	
46.1.4 Review whether additional powers for the Languages Commissioner to audit government agencies for their implementation of OLA, would strengthen the ombudsperson function of the Statutory Officer	

46.2 Official Languages Board and Aboriginal Languages Revitalization Board	The Government of the Northwest Territories believes that it is important for each language community to provide advice to the Minister responsible for Official Languages. In considering the recommendation to form a single Aboriginal Language Board, the Government of the Northwest Territories will also work with the Francophone community to identify an advisory process for French language needs and priorities. Changes to the Official Languages Act may come after languages community and stakeholder consultation. In the meantime, the Government will work with members of existing board to ensure they are consulting with their communities and stakeholders.
46.2.1 Amalgamate the two Languages Boards into one Aboriginal Languages Board (ALB) that will provide the link between the Aboriginal language communities and the Minister responsible for Official Languages	
46.2.3 Clarify the Aboriginal Languages Board's mandate, powers and its relationship with the Minister in the *Act*.	
46.2.2 Change the appointment process by broadening the list of organizations who nominate representatives of their Language Communities. The intent is to involve a more diverse group of language stakeholders in the nomination process	
46.2.3 Clarify the Aboriginal Languages Board's mandate, powers and its relationship with the Minister in the *Act*	
46.2.4 Include a description of the roles, responsibilities, competency requirements and compensation/per diem schedule in the Regulations establishing the Aboriginal Languages Board	
46.2.5 Include requirements for board members to consult with their communities and stakeholders	
47. The Minister responsible for Official Languages shall include a detailed progress report on the implementation of the recommendations of the Standing Committee on Government Operations contained in its Final Report on the Review of the *Official Languages Act* 2008-2009 in his Annual Report on Official Languages	Detailed responses to SCOGO's recommendations will not be ready to be included in the October 2009 Report on Official Languages. However, the Government of the Northwest Territories plan will include updates on the various recommendations that become part of the overall Official Languages Strategy and implementation plans for subsequent annual reports.
48. The GNWT shall communicate with the Committee on the progress of the development of the proposed Official Languages services regime and the Aboriginal languages protection regime	The Government of the Northwest Territories will keep Committee members informed on progress on matters related to official languages that are covered in the Committee's recommendations.

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